

TOP SECRET

CIA 36081

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: CIA Covert Activities in Time of War

1. I understand that the Joint Intelligence Committee of the Joint Chiefs of Staff (JIC 115/1 dated 25 July 1950) approved a draft report on the wartime status and responsibilities of the Central Intelligence Agency and its field offices, together with a proposed revision of National Security Council Intelligence Directive No. 5.

2. It is believed that these papers are in some respects contrary to CIA's statutory responsibilities and those responsibilities under the existing directives. CIA was not represented in the discussions leading up to the preparation and approval of the JIC 115/1, nor have we been afforded any opportunity to submit comments or recommendations. I believe it is obvious that any paper relating so directly to our specific Agency responsibilities should be completely coordinated with us prior to action on the part of any agency in the Department of Defense.

3. Accordingly, I am addressing this memorandum to you to ensure that final action will not be taken within the Department of Defense without your full knowledge of my views.

4. The status in time of war of the covert activities with which CIA is charged has been a subject of discussion at all levels for several years. CIA feels that none of the past discussions, recommendations, and directives should be considered dogma which will govern regardless of changing facts or circumstances. Nor does CIA believe parallels with OSS experience in World War II are precisely applicable. OSS was a wartime agency which found JCS acceptance necessary to its existence, whereas CIA is a permanent Executive Agency with statutory functions looking through and beyond any current or impending world situation. This intricate subject, therefore, requires fresh study from time to time benefiting by the ever-growing mass of experience, so it is felt appropriate that CIA should state what it considers to be the basic considerations involved at this time.

5. In an attempt to simplify the succeeding discussion, the various types of covert activities with which CIA is presently charged are set forth below:

001020100

TOP SECRET

TOP SECRET

- 2 -

- a. Espionage: A permanent covert responsibility of CIA for the collection of current and long-range intelligence not otherwise available through overt means.
- b. Counter-espionage: Also a permanent covert responsibility of CIA. A world-wide operation requiring complete centralization and the utmost security.
(NOTE: a. and b. above are the functions of OSO. The following are covert functions of OPC.)
- c. Propaganda (both white and black) supported or carried out by clandestine means.
- d. Political action, including the covert training, infiltration, and support of political action groups or individuals within and without the Iron Curtain.
- e. Special operations in the nature of sabotage and subversion, escape and evasion, and related activities, requiring the covert training, infiltration, and support of groups or individuals.
- f. Para-military activities, including commando-type operations and support and control of guerrilla military activities, trained, supported and infiltrated covertly or semi-covertly.
(NOTE: With reference to NSC 50, the activities of the Contact Branch within the United States are not covert activities. The Contact Branch activities and control would not be altered by war or emergency.)

6. Experience in the conduct of covert activities has led CIA to certain conclusions which it believes have become axioms:

- a. All covert activities of the Government must be centrally coordinated in the interest of efficiency and efficacy, and, above all, security.
- b. Covert operations must be securely financed.
- c. Covert operations must have their own inviolate communication system.

Since CIA is and should be permanently charged with the espionage and counter-espionage covert missions, it should therefore be the coordinating point of the other covert functions. The Congress has given CIA ample and unique authority to provide for secure financing of covert functions and also has given the Agency authority to equip its own communications system, which is currently carrying out its mission to support all covert activities.

77820100

TOP SECRET

TOP SECRET

- 3 -

7. In time of war or of an emergency approaching a state of war, it is again axiomatic that all plans and activities of the Government, including the covert, which relate directly to the conduct of the war, must be closely coordinated with the Joint Chiefs of Staff, and that, in active theaters of war, covert activities relating directly to the mission of the theater commander must be coordinated with him to the fullest extent necessary to assure that they support his mission or do not interfere with its accomplishment.

8. The axioms set forth in paragraphs 6. and 7. are not mutually exclusive but present a problem, the solution of which requires the utmost in careful coordination and planning. As between the Director of Central Intelligence and the Department of Defense, the National Security Council has ultimate jurisdiction to determine the general areas of control and supervision. Generally covert operations (as opposed to covert intelligence activities, i.e., espionage and counter-espionage) should be planned with the guidance of JCS, and upon information supplied by JCS, insofar as such operations are directly related to the war in progress. This will serve to keep the JCS completely informed on pertinent covert operations and it will enable them to bar operations which they may deem detrimental to the prosecution of the war. It will not, however, give the JCS direct and complete control of the administration, direction, and management of the covert operations.

9. In theaters of operation, liaison between CIA and the theater commander must be established at a level to insure that the theater commander is completely informed of those covert activities directly related to his mission and of other covert activities based in or controlled by his theater which may have an effect on his mission. Such liaison can be effective only at the Chief of Staff level. Those covert activities within the theater or directly related to its mission must be completely coordinated in every phase with the theater commander and, where requiring his logistic support, of necessity must be to that extent under his control. Where no support from the theater commander is required, the theater commander must be completely informed to the extent necessary to assure that covert activities will not impede, or interfere with, his mission. CIA communications containing intelligence should be available to the theater commander through appropriate channels as should communications relating to administrative or operational problems affecting his command. Theater commanders should not, however, have any right to inspect communications of an operational or administrative nature not related to his mission or which may be directed by higher authority to be restricted to CIA channels only. Under no circumstances will the Joint Chiefs or the theater commander have control over the CIA budget or fiscal matters.

10. Except as set forth above, the national intelligence mission of CIA shall continue in time of war or emergency as in time of peace. Its covert activities unrelated to the war in progress and particularly its

555020100

TOP SECRET

TOP SECRET

- 4 -

long-range espionage and counter-espionage missions will not be in any way subject to control by the Joint Chiefs. CIA should keep the Joint Chiefs generally informed of such extra-belligerent activities in order that such as may impinge on the progress of the war may be known to the Joint Chiefs, and concomitantly the Joint Chiefs should keep CIA informed of war plans and progress so that CIA may fulfill its responsibility to them.

11. While the Joint Chiefs may see fit to delegate their responsibilities hereunder to "the Joint Subsidiary Plans Division (JSPD)", all basic problems are to be resolved between the Director of Central Intelligence on one hand and the Joint Chiefs, or the Secretary of Defense, as appropriate, on the other, and, upon failure to achieve such a resolution, appeal must be made to the final authority in the form of the National Security Council.

12. I should be glad to discuss this matter with you or your representative and have your comments both on the matters raised in this memorandum and on the enclosed draft of a new NSCID No. 5, considered by this Agency to more nearly meet the essential requirements of Agency responsibilities than those set forth in the draft proposed by the JIC.

R. H. HILLENKOETTER
Rear Admiral, USN
Director of Central
Intelligence

Enclosure: Draft of Proposed New NSCID No. 5

cc: Acting Exec.
AD/OPC
AD/OSO
AD/OO
General Counsel
signer's copy
Return to COAPS
TS Control

PC/dhl-COAPS 8 Aug. 1950

0000000000

TOP SECRET

TOP SECRET

SECRET

8 August 1950

PROPOSED NEW NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5 ESPIONAGE AND COUNTERESPIONAGE OPERATIONS

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, the National Security Council hereby authorizes and directs that:

1. The Director of Central Intelligence shall conduct all organized Federal espionage operations outside the United States and its possessions for the collection of foreign intelligence information required to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain activities by other Departments and Agencies agreed to by the DCI.

2. The Director of Central Intelligence shall conduct all organized Federal counterespionage operations outside the United States and its possessions and in occupied areas. This authority shall not preclude the counterintelligence activities of any Army, Navy, or Air Force Command or installation per certain activities deemed necessary by Departments and Agencies for the security of such organizations and agreed to by the DCI, provided that such counterintelligence and agreed activities shall be fully coordinated with the DCI whenever they affect the conduct of organized counter-
espionage i.e., the detection, observation, penetration, deception,

001029854

TOP SECRET

TOP SECRET

control, or results of the activities of any foreign intelligence, security, or domestic police service.

3. Except as otherwise provided herein, the DCI shall be responsible for coordinating covert and overt intelligence collection activities.

4. When casual or other agents are employed or otherwise utilized by any Department or Agency in other than an overt capacity, all such activity shall be fully coordinated with the Director of Central Intelligence.

5. The DCI shall disseminate intelligence information obtained through covert means to Departments and Agencies having an authorized interest therein.

6. The DCI will plan the clandestine intelligence activities necessary to meet any wartime or emergency requirements of U. S. security. The DCI will coordinate with the JCS to ensure that such plans are consistent with and complementary to approved plans for wartime military operations. The DCI will also consult with other responsible non-military Departments and Agencies of the Government to ensure that all available assets are brought to bear on this problem, and that the legislative authority and responsibilities of such Departments and Agencies are met.

7. The Joint Chiefs of Staff shall provide continuous detailed guidance and full support to the Director of Central Intelligence in planning and shall ensure that covert capabilities developed by the DCI receive the necessary legislative support in time of a national

7-1-50 ~~TOP SECRET~~

- 2 - **TOP SECRET**

TOP SECRET

8. In time of national emergency or war, or when the President so directs, all covert intelligence activities which affect military operations or the military situation shall be coordinated with the Joint Chiefs of Staff by the Director of Central Intelligence. Covert intelligence activities, including espionage and counterespionage, in each military theater shall be directed by a representative designated by the DCI to advise the Theater Commander and to be under the direct supervision of the Theater Commander. These representatives shall have their own channels of communication and other necessary facilities.

9. All other National Security Council Intelligence Directives or implementing supplements shall be construed to apply solely to overt intelligence activities unless otherwise specified.

0010202100

- 3 -
TOP SECRET

TOP SECRET

BRAY I

8 August 1950

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL SUBJECT: INTELLIGENCE DIRECTIVE NO. 5 ESPIONAGE AND COUNTERESPIONAGE OPERATIONS

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, the National Security Council hereby authorizes and directs that:

1. The Director of Central Intelligence shall conduct all organized Federal espionage operations outside the United States and its possessions for the collection of foreign intelligence information required to meet the needs of all Departments and Agencies concerned, in connection with the national security, except for certain activities by other Departments and Agencies agreed to by the DCI.

2. The Director of Central Intelligence shall conduct all organized Federal counterespionage operations outside the United States and its possessions and in occupied areas. This authority shall not preclude the counterintelligence activities of any Army, Navy, or Air Force Command or installation nor certain activities deemed necessary by Departments and Agencies for the security of such organizations and agreed to by the DCI, provided that such counterintelligence and agreed activities shall be fully coordinated with the DCI wherever they affect the conduct of organized counter-
espionage i.e., the detection, observation, penetration, deception,

0000000000

TOP SECRET

TOP SECRET

control, or direction of the activities of any foreign intelligence, security, or military service.

3. Except as otherwise provided herein, the DCI shall be responsible for coordinating covert and overt intelligence collection activities.

4. When casual or other agents are employed or otherwise utilized by any Department or Agency in other than an overt capacity, all such activity shall be fully coordinated with the Director of Central Intelligence.

5. The DCI shall disseminate intelligence information obtained through covert means to Departments and Agencies having an authorized interest therein.

6. The DCI will plan the clandestine intelligence activities necessary to meet any wartime or emergency requirements of the security. The DCI will coordinate with the JCS to insure that such plans are consistent with and complementary to approved plans for wartime military operations. The DCI will also consult with other responsible non-military Departments and Agencies of the Government to insure that all available assets are brought to bear on this problem, and that the legitimate interests and responsibilities of such Departments and Agencies are met.

7. The Joint Chiefs of Staff shall provide continuous detailed guidance and full support to the Director of Central Intelligence in planning and shall insure that covert capabilities developed by the DCI receive the necessary legislative support in time of a national

~~TOP SECRET~~

TOP SECRET

6. In time of national emergency or war, or when the President so directs, all covert intelligence activities which affect military operations or the military situation shall be coordinated with the Joint Chiefs of Staff by the Director of Central Intelligence. Covert intelligence activities, including espionage and counterespionage, in each military theater, shall be directed by a representative designated by the DCI to advise the Theater Commander and to be under the direct supervision of the Theater Commander. These representatives shall have their own channels of communication and other necessary facilities.

9. All other National Security Council Intelligence Directives or implementing supplements shall be construed to apply solely to overt intelligence activities unless otherwise specified.

00102811

- 3 -
TOP SECRET